HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 7501 of 2007

PETITIONER		U.S. Chaturvedi, Aged about 45 years, S/o Shri R.S. Chaturvedi, Assistant Foreman, E. & M., R/o Qt. No. Mq. 1316, Pragati Nagar, Dipika Area, S.E.C.L., Distt. Korba (C.G.)
		Versus
RESPONDENTS	1	South Eastern Coal Field Ltd., Through – The Chief Managing Director, S.E.C.L., Bilaspur (C.G.)
	2	Dy. Chief Mining Manager, Dipika, Expension Project, Dipika Area, S.E.C.L., Distt. Korba (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri B.K. Chakrabarty, counsel for the petitioner.
None of the respondents.

ORAL ORDER
(19.12.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

By way of this writ petition, the petitioner has challenged the charge sheet-cum-suspension order dated 15.11.2007 passed on the ground that the petitioner has sub-let his company accommodation and he is residing in an additional structure, which he has unauthorizedly built near the company's quarter making encroachment on the company land.

Learned counsel for the petitioner argues that the false allegations have been made against the petitioner and on these allegations neither he can be suspended nor the charge sheet can be issued to him.

I have gone through the contents of the writ petition as also the contents of the order and the documents annexed along with writ petition.

In the matter of ***Union of India and others vs. Upendra Singh (1994) 3 S.C.C. 357***, the Apex Court held vide para 6 that in the case of charges framed in a disciplinary inquiry, the tribunal or court can interfere only if on the charges framed (read with imputation or particulars of the charges, if any) no misconduct or other irregularity alleged can be said to

have been made out or the charges framed are contrary to any law. At this stage, the tribunal has no jurisdiction to go into the correctness or truth of the charges. The tribunal cannot take over the functions of the disciplinary authority. The truth or otherwise of the charges is a matter for the disciplinary authority to go into. Indeed, even after the conclusion of the disciplinary proceedings, if the matter comes to court or tribunal, they have no jurisdiction to look into the truth of the charges or into the correctness of the findings recorded by the disciplinary authority or the appellate authority as the case may be.

Admittedly the factual aspects have been raised in this case by the petitioner which cannot be decided by a writ court and on these aspects a finding has to be recorded by the competent authority during the course of inquiry.

I do not find any reason to interfere with the order dated 15.11.2007 at this stage..

The petition has no merit and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

vatti